



September 4, 2007

MEMORANDUM

TO: HR Representatives

FROM: Mark Walters
Steve Lund

RE: New Immigration Rule on Social Security Mismatch – NO ACTION ON YOUR PART YET

The U.S. Immigration and Customs Enforcement (ICE) has recently published a final regulation on procedures for employers who receive Social Security “no match” letters or other indications that an employee may not have current work authorization. The regulation was due to go into effect on September 14, but a federal judge has delayed implementation until at least October 1 when a hearing will be held on a lawsuit regarding the rule.

The regulation establishes procedures that, if followed, will protect an employer from civil and criminal liability when notified that an employee’s social security number does not match the name or belongs to another person. In short, the procedures require the employer to give the employee 90 days to correct the mismatch. Like any federal regulation, however, there are a lot more details and questions that need to be answered.

We, along with folks from Administrative Legal Services, Payroll Services, Cultural Linguistics Services, the Service Center and International Faculty and Staff Services, are researching the implications of this new rule for UW-Madison.

In the meantime, we have not changed our processes for dealing with SS# mismatches. So, until we have completed the research and distributed a new policy, please do not do anything different.

If you have any questions or concerns, please feel free to contact either one of us.

xc: Deb Ahlstedt
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